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June 16, 2022

VIA ECF

Hon. Paul A. Engelmayer,
U.S. District Court Judge
500 Pearl Street
New York, NY 10007

Re: *SMS Financial Strategic Investments III, LLC v. 249 West 49th Street, LLC et al.*
Case No. 21 Civ. 10884

Your Honor:

We represent defendants 49th Street Restaurant, LLC, Thomas Burke, and Frank McCole (the "Tenant Parties") in the above-referenced matter and write on behalf of all parties to request an additional 60-day adjournment of the initial conference now scheduled for June 28, 2022. The Court previously granted a 60-day adjournment pursuant to a prior joint request submitted on April 21, 2022 by counsel to Defendant 249 West 49th Street, LLC on behalf of all parties.

This action is a commercial foreclosure action. As noted in the April 21, 2022 submission to the Court, a written agreement to sell the property at issue was fully executed in April. The Tenant Parties are currently in the process of finalizing financing for the purchase of the property and expect the closing on the purchase to take place in August 2022. The parties to this action expect that, with such purchase, all claims at issue can be swiftly resolved without further litigation. Accordingly, in an effort to avoid further attorneys' fees, the parties respectfully request that the Court adjourn the conference for an additional 60 days.

Respectfully submitted,


/s/ Ted Trief

Ted Trief
TRIEF & OLK
Counsel to the Tenant Parties

Cc (via ECF):

All counsel of record

Granted. The conference is adjourned to August 29, 2022 at 2:00 p.m. SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge
June 16, 2022